

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 80, "Procedure and Method of Payment," Iowa Administrative Code.

This amendment, which adopts new rule 441—80.7(249A), is a technical change that in effect relocates the content of rule 441—76.13(249A), health care data match program, to the more applicable Chapter 80.

This amendment is adopted simultaneously with the Adopted and Filed Emergency After Notice amendment published herein as **ARC 1069C**. The amendment in **ARC 1069C** rescinds Chapter 76, "Application and Investigation," including rule 441—76.13(249A), and adopts a new Chapter 76 in lieu thereof.

Notice of Intended Action for this amendment was published in the Iowa Administrative Bulletin as **ARC 0909C** on August 7, 2013. The Department received no comments from the public concerning the Notice. This amendment is identical to that published under Notice of Intended Action.

The Council on Human Services adopted this amendment on September 11, 2013.

Pursuant to Iowa Code section 17A.5(2)"b"(1), the Department finds that the normal effective date of this amendment, 35 days after publication, should be waived and the amendment made effective October 1, 2013. The normal effective date can be waived since legislation permits emergency rule making. The Legislature provided in 2013 Iowa Acts, Senate File 446, section 7(6), that the Department may adopt emergency rules for the medical assistance program as necessary to comply with federal requirements.

This amendment does not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4.

This amendment became effective October 1, 2013.

The following amendment is adopted.

Adopt the following new rule 441—80.7(249A):

441—80.7(249A) Health care data match program. As a condition of doing business in Iowa, health insurers shall provide, upon the request of the state, information with respect to individuals who are eligible for or are provided medical assistance under the state's medical assistance state plan to determine (1) during what period the member or the member's spouse or dependents may be or may have been covered by a health insurer and (2) the nature of the coverage that is or was provided by the health insurer. This requirement applies to self-insured plans, group health plans as defined in the federal Employee Retirement Income Security Act of 1974 (Public Law 93-406), service benefit plans, managed care organizations, pharmacy benefits managers, and other parties that are, by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service.

80.7(1) Agreement required. The parties shall sign a data use agreement for the purposes of this rule. The agreement shall prescribe the manner in which information shall be provided to the department of human services and the acceptable uses of the information provided.

a. The initial provision of data shall include the data necessary to enable the department to match covered persons and identify third-party payers for the two-year period before the initial provision of the data. The data shall include the name, address, and identifying number of the plan.

b. Ongoing monthly matches may be limited to changes in the data previously provided, including additional covered persons, with the effective dates of the changes.

80.7(2) Agreement form.

a. An agreement with the department shall be in substantially the same form as Form 470-4415, Agreement for Use of Data.

b. An agreement with the department's designee shall be in a form approved by the designee, which shall include privacy protections equivalent to those provided in Form 470-4415, Agreement for Use of Data.

80.7(3) Confidentiality of data. The exchange of information carried out under this rule shall be consistent with all laws, regulations, and rules relating to the confidentiality or privacy of personal information or medical records, including but not limited to:

a. The federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191; and

b. Regulations promulgated in accordance with that Act and published in 45 CFR Parts 160 through 164.

[Filed Emergency After Notice 9/11/13, effective 10/1/13]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/2/13.